

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6669

BILL NUMBER: HB 1065

NOTE PREPARED: Mar 11, 2012

BILL AMENDED: Feb 9, 2012

SUBJECT: Military Custody and Parenting Time Matters.

FIRST AUTHOR: Rep. Borders

FIRST SPONSOR: Sen. Waterman

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(1) Requires a court, upon motion by a parent who has received military temporary duty, deployment, or mobilization orders: (a) to hold an expedited hearing in determining or modifying custody or parenting time; and (b) to allow, with reasonable notice, a parent to present testimony and evidence by certain electronic means in a custody or parenting time proceeding; if the military duties of a parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing concerning custody or parenting time.

(2) Allows a court, upon motion by a parent who has received military deployment orders, to delegate the parent's parenting time, or a part of the parent's parenting time, during the time that the parent is deployed to a person who has a close and substantial relationship with the parent's child if the court determines delegating the time is in the best interests of the child.

(3) Provides that an order delegating parenting time automatically terminates after the parent returns from deployment.

(4) Allows the court to terminate an order delegating parenting time if the court determines that the delegated parenting time is no longer in the best interests of the child.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, members of the armed services are not granted special consideration for custody and visitation rights petitions issued as a result of deployment orders. The bill will allow parents in the armed services who receive military deployment orders to petition the court for an expedited hearing to modify child custody and visitation orders. Under current law, motions for child custody following the establishment of paternity (IC 31-14-13) are not subject to court fees. However, actions for child custody and modification of child custody orders (IC 31-17-2) are subject to court fees. If this bill increases the number of petitions to modify child custody orders where court fees are paid, revenue from civil costs fees will increase. Actual increases in revenue are indeterminable.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: This bill is expected to increase court caseload to the extent members of the armed services petition the court for an expedited hearing to modify child custody and visitation orders. Increases in workload are unknown.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.